



Alcoholic Beverage Regulation Administration Moratorium Fact Sheet

A moratorium is a limitation on the number of licenses of any class to be issued; a limitation on the issuance of amended licenses that constitute a substantial change, in any locality, section, or portion of the District, or a limitation in any locality, section, or portion of the District to limit the sale of products by licensees under an off-premises retailer license, Class A and B.

Board-created Moratoriums

The Alcoholic Beverage Control Board (Board) may reasonably determine that it is in the interest of the public to create a moratorium based upon the appropriateness standards. The Board may limit the number of licenses of any class to be issued; declare a moratorium on the issuance of licenses of any class, or issuance of amended licenses as stated above; or declare a moratorium on the sale of products by licenses under an off-premises retailer license, Class A and B. A group with standing may request the Board to issue regulations establishing the limit or declaring the moratorium.

- ✦ A moratorium will be effective for five (5) years from the date of final rulemaking, or for a lesser period as determined by the Board.
- ✦ If the Board acts on a moratorium request, a moratorium request for the same area, or an area covering substantially the same area, will not be considered for two (2) years from the date of the Board's action.

Procedures to request a Moratorium

- ✦ The moratorium request must be made in writing to the Board by an Advisory Neighborhood Commission (ANC), an incorporated citizens association, or a group of 5 or more residents or property owners
- ✦ The request must include the name and address of the individuals, citizens association, or Advisory Neighborhood Commission seeking the moratorium
- ✦ The area of the District of Columbia to be covered by the moratorium must be specified
- ✦ The class or classes of licenses to be covered by the moratorium must be included
- ✦ The request must give the reasons that the moratorium is appropriate under at least (two) 2 of the appropriateness standards, which are:
 - 1) The effect of the establishment on real property values;
 - 2) The effect of the establishment on peace, order, and quiet, including the noise and litter provisions; and
 - 3) The effect of the establishment on residential parking needs and vehicular and pedestrian safety
- ✦ The requirements for a moratorium will not apply to solicitor's licenses, manager's licenses; caterer's licenses; or to temporary licenses.
- ✦ If a moratorium request meets all of the requirements set forth, the Board will provide notice of the request to the public.

Areas of the District to be covered by a Moratorium

The ANC, citizens association, or group of 5 or more seeking the moratorium must identify one licensed establishment. The area to be covered by the moratorium will be measured from the property lines of that establishment. The entire area to be covered under a moratorium will be either a locality (600 feet), section (1200 feet), or portion (1800 feet).

- ✦ A moratorium may be sought for a single class of license or for any combination of the classes of licenses.
- ✦ If the requested moratorium area is a locality, there must exist in that area at least 3 licensed establishments of the same class or 6 licensed establishments of any class or combination of classes;
- ✦ If the requested moratorium area is a section, there must exist in that area at least 6 establishments of the same class or 12 establishments of any class or combination of classes; and
- ✦ If the requested moratorium area is a portion, there must exist in that area at least 9 establishments of the same class or 18 establishments of any class or combination of classes.

A moratorium request to limit the sale of products by licensees under an off-premises retailer's license, Class A and B, will not be considered by the Board unless all of the requirements of this section have been met and the following conditions are satisfied:

- ✦ If the requested moratorium is a locality, there must exist in that locality at least 3 Class A, 3 Class B, or any combination of 3 Class A or Class B licensed establishments;
- ✦ If the requested moratorium is a section, there must exist in that section at least 5 Class A, 5 Class B, or any class or combination of 5 Class A or Class B licensed establishments;
- ✦ If the requested moratorium is a portion, there must exist in that portion at least 7 Class A, 7 Class B, or any combination of 7 Class A or Class B licensed establishments

Board Review and Notification

The Board shall hold a public hearing to review a proposed moratorium. The public hearing will be a rulemaking hearing and will not be a contested case. At the public hearing, any interested person may appear to give oral or written testimony in support of, or in opposition to, the moratorium request. In addition to receiving the testimony from the public, the Board shall request formal comments from the following persons or agencies: the Councilmembers within whose wards the requested moratorium is located; the ANCs within whose areas the requested moratorium area is located and any other ANC abutting the proposed moratorium area; the Office of Planning, the Deputy Mayor's Office for Economic Development; and the District Commander of the Metropolitan Police Department in which the requested moratorium zone is located.

In deciding on a moratorium request, the Board considers the extent to which the testimony and comments show that the requested moratorium is appropriate under at least two (2) of the appropriateness standards set forth in the law. The Board may grant the moratorium request in one or more of the following ways: in whole or in part; by enlarging or decreasing the moratorium area; or by limiting the moratorium to no more than one class of license. The Board may deny the moratorium request in its entirety. The decision of the Board shall be final and shall be issued in writing, including each member's vote.